

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WILLIAM ALBERT MAECKER,

Plaintiff,

v.

DECISION AND ORDER
13-CV-769A(Sr)

O'REILLY MEDIA, INC., MAKER MEDIA, INC.,
MAK E MAGAZINE and MAKER FAIRE,

Defendants.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). Defendant filed a motion to dismiss the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (Dkt. No. 7) On May 7, 2014, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to dismiss the plaintiff's complaint be granted in its entirety. (Dkt. No. 14)

On May 28, 2014, plaintiff, who is proceeding *pro se*, filed objections to the Report and Recommendation. (Dkt. No. 15) Defendant filed a response on June 20, 2014. (Dkt. No. 18) At that time, the Court deemed the matter submitted.

Pursuant to 28 U.S.C. §636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review, and after reviewing the submissions of the parties, the Courts adopts the proposed findings of the Report and Recommendation in their entirety.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to dismiss the complaint is granted in its entirety.

The Clerk of Court is instructed to take all necessary steps to close the case.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: October 9, 2014